

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARIA JOSE PIZARRO

Plaintiff,

-against-

EUROS EL TINA RESTAURANT LOUNGE and
BILLIARDS CORP., SANTIAGO QUEZADA, And
SANTIAGO QUEZADA, Jr.,

Defendants.

-and-

JOSE E. CASTRO, ELADIO CASTRO PRODUCTIONS,
INC., EMITON FERNANDEZ a.k.a. EMILIO
FERNANDEZ, NARCISO GOMEZ, ZOILIMAR MEJIA
a.k.a ZULIMAR MEJIA, and TOMAS ANDRES
PIZARRO ZEPEDA

Third Party Defendants

No. 1:20-cv-05783-AKH

**DECLARATION OF MARTIN RESTITUYO IN OPPOSITION TO PLAINTIFF'S OF
THE MOTION BY THIRD PARTY DEFENDANTS/COUNTER DEFENDANTS JOSE
CASTRO AND ELADIO CATRO PRODUCTIONS INC. MOTION FOR SUMMARY
JUDGMENT AND RULE 11 SANCTIONS**

MARTIN E. RESTITUYO declares, under penalty of perjury:

1. I am the founder of the Law Offices of Martin E. Restituyo, P.C., counsel for Defendants Euros El Tina Restaurant Lounge and Billiards Corp. ("Euros"), Santiago Quezada, and Santiago Quezada, Jr., (collectively the "Defendants"), and as such am fully familiar with the facts herein.

2. I submit this Declaration in opposition to Plaintiff, Maria Pizarro's motion for summary judgment, and the Motion for Jose Castro and Eladio Castro Productions for summary judgment and sanctions.

3. Attached hereto as Exhibit A is a true and accurate copy of the Asset Purchase Agreement by which on August 13, 2010 Santiago Quezada purchased the assets of Washington Heights Billiards Inc.

4. Attached hereto as Exhibit B is a true and accurate copy of the New York State Department of State Division of Corporations Entity Information sheet showing that Euros El Tina Restaurant Lounge and Billiards Corp was incorporated on August 17, 2010.

5. Attached hereto as Exhibit C is a true and accurate copy of Plaintiff's deposition transcript.

6. Attached hereto as Exhibit D is a true and accurate copy of Plaintiff's trial transcript gathered from her testimony during the trial of Plaintiff's case against the Defendants.

7. Attached hereto as Exhibit E is a true and accurate copy of Eladio Castro's deposition transcript.

8. Attached hereto as Exhibit F is a true and accurate copy of certified translations of Eladio Castro's 2012 and 2014 contracts to work for Euros El Tina Lounge.

9. Attached hereto as Exhibit G is a true and accurate copy of Santiago Quezada deposition transcript.

10. Attached hereto as Exhibit H is a true and accurate copy of the trial transcript from October 17, 2023.

11. Attached hereto as Exhibit I is a true and accurate copy of a "Gift Letter" provided by Santiago Quezada to the Plaintiff to try to help her obtain a bank loan.

12. Attached hereto as Exhibit J is a true and accurate copy of the investigator report provided by private investigator Stuart Schwarts as her reported on his efforts to contact defendants Emiton Fernandez, Zulimar Mejia, and Narciso Gomez.

13. In the report, the Investigator states that when questioned Mr. Fernandez indicated that this matter was in court and that he was being represented by an attorney. See *id.*

14. In the report the Investigator also notes that when asked about the embezzlement scheme Ms. Mejia and Mr. Gomez informed him that they were no longer associated with Mr. Fernandez or “his business.” *Id.*

15. Attached hereto as Exhibit K is a true and accurate copy of the Summons and Complaint submitted by Castro against Quezada in the Queens County Supreme Court on January 29, 2020.

16. Attached hereto as Exhibit L is a true and accurate copy of the EEOC complaint filed by the Plaintiff against the Defendants on March 6, 2020. See also ECF Doc. No. 122-4.

17. Attached hereto as Exhibit M is a true and accurate copy of the loan letters (conveniently written in English for the purposes of this case) entered into by Maria Pizarro and Jose Eladio Castro in 2018 and 2019.

18. Attached hereto as Exhibit N is a true and accurate copy of a report of the online ticket selling account maintained by Castro during the relevant time period.

19. A review of the account shows that Castro was using the site to sell tickets for events at Euros El Tina Loung. See *id.*

20. Attached hereto as Exhibit O is a true and accurate copy of all of the emails found on Euros’ computer after the business closed.

21. Attached hereto as Exhibit P is a true and accurate copy of all the wire transfer, Money Gram, and Western Union receipts found on Euros’ office computer after the business closed.

22. Attached hereto as Exhibit Q is a true and accurate copy of the emails between Plaintiff and Castro found on Euros' office computer after the business closed.

23. Attached hereto as Exhibit R is a true and accurate copy of the Plaintiff's bank records produced during discovery.

24. Attached hereto as Exhibit S is a true and accurate copy of Interrogatory Responses of Emiton Fernandez.

25. In his interrogatory responses Mr. Fernandez admits that Plaintiff gave him money to send money on her behalf.

26. This fact is corroborated by Mr. Fernandez's bank statements showing a large deposit immediately followed by a smaller wire transfer to one of the individuals who regularly received money from the Plaintiff.

27. Attached hereto as Exhibit T is a true and accurate copy of the bank statements of Emiton Fernandez submitted in response to document demands.

Dated: New York, New York
June 28, 2024

/s/ Martin E. Restituyo
Martin E. Restituyo, Esq.